

# SENATE BILL No. 281

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-1-21-4; IC 20-8.1.

**Synopsis:** Public school transfer program. Establishes a public school transfer program, allowing the parent of a student to request a transfer for the student to enroll in: (1) a different public school in the student's base school corporation; or (2) a public school in a different school corporation. Provides an allocation of public funds for transfer students between the base school corporation and the receiving school corporation, and provides that the parent is responsible for transportation and any additional costs. Allows school corporations to enter into an interlocal agreement under which students may attend school in another school corporation. Allows a student who has legal settlement in a school corporation and whose parent owns property for which the parent pays property tax in another school corporation to attend school in the school corporation in which the parent owns property without transfer tuition being charged. Requires a school corporation to provide notice to parents concerning the publication of the school corporation's annual performance report.

**Effective:** July 1, 2005.

**Kenley**

January 6, 2005, read first time and referred to Committee on Education and Career Development.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 281

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-1-21-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Not earlier than  
3 January 15 or later than January 31 of each year, the governing body of  
4 a school corporation shall publish an annual performance report of the  
5 school corporation, in compliance with the procedures identified in  
6 section 8 of this chapter. The report must be published one (1) time  
7 annually under IC 5-3-1.  
8 (b) The department shall make each school corporation's annual  
9 performance report available on the department's Internet web site. The  
10 governing body of a school corporation may make the school  
11 corporation's annual performance report available on the school  
12 corporation's Internet web site.  
13 (c) The governing body of a school corporation shall:  
14 (1) **notify the parent of each student in the school corporation**  
15 **of the publication of the annual performance report; and**  
16 (2) provide a copy of the annual performance report to any person  
17 who requests a copy. The governing body may not charge a fee

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for providing the copy.

SECTION 2. IC 20-8.1-6.1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.5. This chapter does not apply to a student who under:**

(1) **section 14 or 15 of this chapter; or**

(2) **the public elementary and secondary school transfer program (IC 20-8.1-16);**

**attends a public school that is outside the school corporation in which the student has legal settlement.**

SECTION 3. IC 20-8.1-6.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A student who is placed in a state licensed private or public health care facility, child care facility, or foster family home:

(1) by or with the consent of the division of family and children;

(2) by a court order; or

(3) by a child placing agency licensed by the division of family and children;

may attend school in the school corporation in which the home or facility is located. If the school corporation in which the home or facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent or guardian may attend school in the school corporation in which the facility is located if:

(1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and

(2) the placement is projected to be for no less than fourteen (14) consecutive calendar days or an aggregate of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent or guardian of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. No later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department of education. The acceptance or notice of appeal by the school corporation shall be given by certified mail to the parent or guardian of the student and any affected school corporation.

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In the case of a student who is not identified as disabled under IC 20-1-6, the Indiana state board of education shall make a determination on transfer tuition in accordance with the procedures set out in section 10 of this chapter. In the case of a student who has been identified as disabled under IC 20-1-6, the determination on transfer tuition shall be made in accordance with this subsection and the procedures adopted by the Indiana state board of education under IC 20-1-6-2.1(a)(5).

(c) A student who is placed in:

(1) an institution operated by the division of disability, aging, and rehabilitative services or the division of mental health and addiction; or

(2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability, aging, and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) A student:

(1) who is placed in a facility, a home, or an institution described in subsection (a), (b), or (c); and

(2) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student.

SECTION 4. IC 20-8.1-6.1-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 14. (a) The governing body of a school corporation may enter into an interlocal agreement under IC 36-1-7 with the governing body of another school corporation under which a student whose legal settlement is in the school corporation may attend school in the other school corporation.**

**(b) If a student attends school in another school corporation under an interlocal agreement described in subsection (a):**

**(1) the provisions of this chapter and IC 20-8.1-6.5 concerning**

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transfer tuition do not apply; and

(2) the terms of the interlocal agreement concerning the payment of costs for the student's attendance apply.

SECTION 5. IC 20-8.1-6.1-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 15. (a) This section applies to a student:**

(1) who has legal settlement in a school corporation; and

(2) whose parent owns property for which the parent pays property taxes in a school corporation other than the school corporation in which the student has legal settlement.

(b) Not later than April 1, the parent of a student to whom this section applies may notify the school corporation in which the parent owns property that the parent intends to enroll the student in the school corporation in which the parent owns property for the following school year.

(c) A school corporation that receives notice under subsection (b):

(1) shall enroll the student in an appropriate school within the school corporation; and

(2) may not request the payment of transfer tuition for the student from the school corporation in which the student has legal settlement or from the student's parent.

(d) A student to whom this section applies may not enroll primarily for athletic reasons in a school in a school corporation in which the student does not have legal settlement.

SECTION 6. IC 20-8.1-6.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.5. This chapter does not apply to a student who under:**

(1) IC 20-8.1-6.1-14 or IC 20-8.1-6.1-15; or

(2) the public elementary and secondary school transfer program (IC 20-8.1-16);

attends a public school that is outside the school corporation where the student has legal settlement.

SECTION 7. IC 20-8.1-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 16. Public Elementary and Secondary School Transfer Program**

**Sec. 1. As used in this chapter, "ADM" has the meaning set forth in IC 21-3-1.6-1.1.**

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1       Sec. 2. As used in this chapter, "base school corporation" means  
2 the school corporation in which a student has legal settlement.

3       Sec. 3. As used in this chapter, "program" refers to the public  
4 elementary and secondary school transfer program.

5       Sec. 4. As used in this chapter, "public school" has the meaning  
6 set forth in IC 20-10.1-1-2.

7       Sec. 5. As used in this chapter, "transfer" refers to a transfer  
8 under the public elementary and secondary school transfer  
9 program established under this chapter.

10       Sec. 6. The public elementary and secondary school transfer  
11 program is established.

12       Sec. 7. The department shall grant transfers and renewal  
13 transfers under this chapter on a date, specified by the department,  
14 that falls before the beginning of a school year.

15       Sec. 8. (a) The department shall grant a transfer to a student if  
16 the following requirements are met:

- 17       (1) The student's parent requests a transfer for the student.  
18       (2) The student's parent selects a school for the student to  
19 attend under the program.

- 20       (3) The school is a public school in Indiana that is:

21       (A) in the student's base school corporation but is a  
22 different school from the school where the school  
23 corporation has assigned the student; or

24       (B) not a school in the student's base school corporation.

- 25       (4) Except as provided in section 14(b) of this chapter, the  
26 principal of the school and the superintendent of the school  
27 corporation in which the school is located jointly agree to  
28 enroll the student in the school.

29       (b) The department shall grant a renewal transfer to a student  
30 who meets the following requirements:

- 31       (1) The student previously received a transfer in any year.  
32       (2) The requirements of subsection (a) are met.

33       (c) The department may not grant a transfer to a student who  
34 wishes to enroll in a school primarily for athletic reasons.

35       Sec. 9. Not later than April 1 before the beginning of a school  
36 year for which a parent seeks enrollment of a student under the  
37 program, the student's parent must notify the superintendent of  
38 the school corporation in which the parent seeks to have the  
39 student enrolled of the parent's request to have the student  
40 enrolled.

41       Sec. 10. (a) The superintendent of a school corporation in which  
42 a parent seeks enrollment of a student under the program:

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- (1) is not required to enroll the student; and
- (2) may not enroll the student if enrollment will cause the school corporation to be out of compliance with a court order, including a court order described in IC 20-8.1-6.5-1.

(b) A superintendent may not refuse to enroll a student in violation of IC 20-8.1-2 or because the student has a disability.

(c) A superintendent shall notify a parent who makes a request under section 9 of this chapter of the superintendent's decision not later than thirty (30) days after receiving a request for enrollment under section 9 of this chapter. If a superintendent does not notify a parent of the superintendent's decision not later than thirty (30) days after receiving a request for enrollment, the request to enroll is considered to be granted.

**Sec. 11.** The following apply when a student transfers under this chapter to a school in the student's base school corporation:

- (1) There is no monetary transfer award.
- (2) There is no change in:
  - (A) the ADM of the school corporation; or
  - (B) state assistance to the school corporation.
- (3) The school corporation is not required to provide transportation for the student.

**Sec. 12.** The following apply when a student transfers under this chapter to a school that is not in the student's base school corporation:

- (1) IC 20-1-6-18.1 applies to the transfer of a student with a disability under this chapter or under IC 20-1-6-18.1.
- (2) The amount of the transfer tuition is fifty percent (50%) of the state aid per ADM provided under IC 21-3 to the student's base school corporation.
- (3) The student remains in the ADM of the student's base school corporation until the earlier of the following:
  - (A) The date the student graduates from a high school.
  - (B) The date of the end of the school year during which the student becomes eighteen (18) years of age.
- (4) The school that enrolls the student may not include the student in the school's ADM.
- (5) The department shall do the following:
  - (A) Pay the amount of the transfer tuition to the school that enrolls the student.
  - (B) Deduct the amount of the transfer tuition from the distribution of state aid to the student's base school corporation.

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(6) The parent of the student is responsible for all costs of the student to attend the school that exceed the amount of the transfer tuition.

(7) The student's base school corporation and the school corporation that enrolls the student are not responsible for providing transportation for the student.

Sec. 13. Except as provided in section 14(b) of this chapter, at the end of each school year the superintendent of the school corporation that enrolls a student under the program and the principal of the school the student attends shall jointly:

(1) determine whether to enroll the student for the following school year; and

(2) inform the department of their decision.

Sec. 14. (a) The governing body of a school corporation may adopt a policy that sets guidelines to be used in determining whether to:

(1) accept a student for enrollment under the program; and

(2) continue a student's enrollment under the program.

(b) Notwithstanding sections 8(a)(4) and 13 of this chapter, a policy adopted under this section may provide that the governing body makes a determination of whether to enroll a student or to continue a student's enrollment under the program.

Sec. 15. A school corporation or school may not solicit the parents of a student to transfer the student to the school corporation or school.

Sec. 16. For purposes of accountability for performance and assessing school improvement under IC 20-10.2, a student who transfers to a school under the program is included as a student in the school to which the student transferred.

Sec. 17. (a) This section applies to a school that has been placed in the lowest performance category for a third or subsequent year under IC 20-10.2-6-3.

(b) Before March 1 of each year, the school shall notify the parent of each student in the school of the parent's right to request a transfer for the student for the following school year under this chapter.

(c) The notice provided under this section must set forth in an easily understood format a parent's transfer options for a student, including a list of schools in the school corporation that are in a higher performance category to which the student's parents may request a transfer for the student.

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1 (1) a school corporation is unable to comply with a parent's  
 2 request to transfer a student under this section; or

3 (2) a parent requests additional transfer options for the  
 4 student;

5 the superintendent shall meet with the parent to discuss options for  
 6 the student.

7 Sec. 18. The department shall establish procedures to  
 8 administer this chapter.

9 Sec. 19. The Indiana state board of education may adopt rules  
 10 under IC 4-22-2 to implement and administer the program.

11 SECTION 8. [EFFECTIVE JULY 1, 2005] (a) As used in this  
 12 SECTION, "department" refers to the department of education  
 13 established by IC 20-1-1.1-2.

14 (b) As used in this SECTION, "school year" means the period  
 15 described in IC 20-10.1-2-1.

16 (c) The department shall grant transfers under IC 20-8.1-16, as  
 17 added by this act, beginning with the 2006-2007 school year.

18 (d) This SECTION expires July 1, 2008.

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